

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, APRIL 11, 2018**

**I. CALL TO ORDER**

Mayor Rotwein called the meeting to order at 6:00pm. Council members in attendance: West, Ladwig, Rotwein, Miller, Baker. City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

**II. PLEDGE OF ALLEGIANCE**

**III. CLOSED SESSION**

1. Public Employee Performance Evaluation and Contract Negotiations for City Manager Pursuant to Government Code Section 54957

**IV. CLOSED SESSION REPORT – *Nothing to report.***

**V. APPROVAL OF AGENDA**

*Motion (Baker/West) to approve the agenda as written. Passed unanimously.*

**VI. APPROVAL OF MINUTES – 11-15-17 scc, 11-29-17 scc, 03-14-18 cc, 03-28-18 cc2**

*Motion (West/Baker) to approve the minutes as amended. Passed unanimously.*

**VII. COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS**

**West, Baker, Miller, Ladwig:** Nothing to report.

**Rotwein:** Trails Committee update, Lighthouse Cooperators meeting update, and OES meeting tomorrow.

**VIII. STAFF REPORTS**

City Manager Berman's written staff report was included in the packet. Various highlights included 1) Tsurai Management Team met and discussed committee makeup, structure, and function, but is at a deadlock regarding how to move forward. They don't support opening the meetings to the public. This will be brought back to the Council at a future meeting.

**Mayor Rotwein** requested City Manager follow-up on 1) Auditor recommendations within 30 days, and 2) OWTS Ordinance update to be discussed at a future meeting.

**IX. ITEMS FROM THE FLOOR**

*(Three (3) minute limit per Speaker unless Council approves request for extended time.)*

**Barbara Kadelick** – Humboldt Association of Realtors  
Support Sunnyside Madrone for 5<sup>th</sup> District Supervisor.

**Patti Fleschner** – Trinidad

Continued encouragement of including all stakeholders in the Tsurai Management Team and land transfer meetings.

Written Correspondence Received.

**Mike Morgan** – Trinidad

Regarding Tsurai Study Area and Undisclosed Relationships.

**Kathleen Lake & Tom Davies** – Trinidad

Submitted a 6-page letter covering topics ranging from the City Manager Evaluation process and lack of response to various issues, recommendations to pull and discuss consent agenda items, request for future agenda items, and comments on tonight's agenda items.

**X. CONSENT AGENDA**

1. Staff Activity Report March 2018
2. Financial Statements February 2018
3. Law Enforcement Report March 2018
4. Approve Contract with Streamline Planning for Stormwater Project Environmental Permitting

5. Approve Contract with Streamline Planning for Local Coastal Program Update

*Motion (Baker/Miller) to pull number 6 for discussion. **Passed unanimously.***

*Motion (Miller/Ladwig) to approve 1-5 as submitted. **Passed unanimously.***

6. View Restoration on Van Wycke St.

City Manager Berman explained that 2 conditions have been added to the tree removal proposal regarding digging and cultural monitor participation.

Council questions included:

**Baker:** Has the adjacent property owners been notified? Have the concerns about possible graves in the area been addressed? A cultural resource survey will be required for the future Van Wycke Trail project, but that's not available at this time, right? I feel we have gone above and beyond our duties to protect the site and communicate with the stakeholders for this project.

**Rotwein:** There's a difference between Cultural Observers and Cultural Monitors. There will be no digging so paid monitors are not required. Observers are allowed to be there to advise "should" resources be identified.

Public comment included:

**Shirley Laos** – Trinidad Rancheria: Confirmed the difference between observers and monitors.

**Cyndi Lindgren** – Trinidad Area Resident

Natives rarely disclose grave locations in fear of looting.

*Motion (Ladwig/Miller) to authorize staff to approve the vegetation management for viewshed protection in the Van Wycke Street Right of Way, with discretion to modify the conditions of approval as appropriate.*

**Passed unanimously.**

## **XI. DISCUSSION/ACTION AGENDA ITEMS**

1. Discussion regarding Trinidad Head Cell Tower Lease

City Manager Berman explained that this item is continued from the March 28<sup>th</sup> meeting. Council requested additional information about the status, if any, of Verizon efforts to pursue other tower locations, including on Green Diamond Resource Company timberlands. Verizon indicated they were unfamiliar with Green Diamond and indicated they were not aware of alternative sites under consideration beyond the existing Trinidad Head and Quarry sites. In following up with Yurok THPO Frankie Myers, he was referring to Verizon and Green Diamond collaborating on other sites elsewhere in the County – not in Trinidad. AT&T expressed interest in the Trinidad Cemetery, but there isn't enough space there. The Trinidad VFD is concerned about impacts to public safety if cell coverage is reduced by the premature removal of the Head site.

In the apparent absence of a plan to adequately replace the Trinidad Head site, staff recommends reaffirming the Council's September 2018 termination date.

Public comment included:

**Richard Kieselhorst** – Trinidad VFD

Read a letter on behalf of Chief Marquette and the VFD in favor of maintaining cellular coverage at the current level until equal or better coverage is developed. Explained how cell phones have been integrated in the emergency dispatch processes, and how personnel has come to rely upon it. Terminating the lease without confidence from Verizon that adequate or better coverage has been matched would not be in the public's best interest.

**Jerome Wade** – Verizon Representative

Requested that the Council consider a 1-2 year extension. Explained that the Quarry site took almost 3 years to develop due to the incredible amount of work required in finding the appropriate site, planning, and developing the site. He showed a site map highlighting the 3<sup>rd</sup> and final site that's still in the planning stages off 8<sup>th</sup> Avenue. When this site is complete, the coverage will be much better and relieve dependency of the Trinidad Head site.

**Brad Twoomey** – Trinidad

Noted how much room US Cellular originally demanded for the second site on Trinidad Head.

**Kathleen Lake** – Trinidad

With all due respect to the Volunteer Fire Department, there has always been cell coverage issues. I disagree with the comments they made earlier and support site removal and discontinuing the lease. (Submitted written comments that were distributed to the Council in advance of the meeting).

**Mareva Russo** – Trinidad

I began my research on this topic in 2005. Instead of dwelling on the mistakes, Verizon should have been working on this. BLM donated this land to the City for use as open space. Cited examples of Open Space activities allowed, and examples of activities and equipment that does not fit. Cell companies have enjoyed primo site for 20+ years. It's time to fix their mistakes and affirm removal in 2018.

**Cyndi Lindgren** – Trinidad

It is inappropriate to have this site on Trinidad Head. Passage of time and the public's increased use of phones does not matter. Cell companies aren't forthright with what they "can" do. Public safety sector brought forth the emotional perspective. I strongly suggest not putting the lease extension in writing. Keep it as a month-to-month, word of mouth agreement. It could become an issue with the FCC if you put it in writing.

**Patti Fleschner** – Trinidad

Seems like Verizon is working to improve the situation. Our guest has convinced me that patience and mercy is worthy. Permitting anything in our area takes forever. Patience seems very fair.

**Stanton Wood** – Trinidad Area

We are on Yurok land. We were safe for many years before cell towers were here. Tech dependency is not good.

**Barbara Kadelick** – Trinidad Area

Has Verizon explained where they are in permitting the Westhaven site?

**Jim Stephenson** – Trinidad Area

The site should be kept on Trinidad Head. The Head is not a wilderness area. There are paved roads, utilities, and other structures on it. Some of us don't have Suddenlink service at our homes, and rely on Verizon for internet connectivity. My wife communicates through Verizon with other countries for work in business and philanthropy.

Written correspondence included:

- Email from Sprint to City Manager Berman, stating their commitment to relocation at the quarry site to provide ongoing service to it's customers, and responded to public comments made at the March 28 meeting.
- Email from Jerome Wade to City Manager Berman, responding to questions the City had regarding efforts to explore other sites, etc.
- April 11 letter from AT&T expressing desire to continue cell site operations at Trinidad Head, etc.

Council comments included:

**Ladwig:** I appreciate the safety concerns, but haven't seen a valid effort by Verizon to mitigate this.

**Rotwein:** Where is Verizon in the Westhaven site permitting process?

**Baker:** Permitting and logistics questions about the Westhaven site. We should keep the extension as short as feasible if we decide to continue the lease. I believe public safety is of great concern.

**Miller:** Corporations vs. Green. I'm concerned for the cultural significance of the Head. I'm also concerned for the people who have come to depend on coverage to consume all types of information, including public safety. I'm in favor of removing the Head facilities in a "smart" way – not in a "stick it to the corporations" way. I propose a 2-year max extension, with regular reports back to the City with progress on the new site.

*Motion (Miller) to consider real estate negotiations to extend the lease for up to 2-years with regular progress reporting back to the City for development of the new Westhaven site. **Motion failed due to lack of second.***

*Motion (Baker/West) to enter into negotiation for 1-year extension from September 2018, dependent upon specific progress reports to the City on Westhaven site development. **Passed 3-2. Rotwein,Ladwig = NO.***

*Motion (Rotwein/Miller) to volunteer themselves to participate in the negotiation process. **Passed unanimously.***

2. Discussion regarding Community TOT Allocations

City Manager Berman explained that the City has distributed a percentage of annual TOT revenue for community groups including the Chamber of Commerce, Museum Society, and Library in past years, and has budgeted to do so again this year.

The total Occupancy Tax revenue collected in FY 2016-2017 (not including 2% TBID) was **\$137,120**. The City authorized 10% of the total TOT allocation to be distributed to (3) recipient organizations with the approval of the 2017-2018 budget last July. The amount of \$13,712 is programmed to be distributed in the following amounts.

60%	<b>\$8,227</b>	Greater Trinidad Chamber of Commerce
30%	<b>\$4,114</b>	Trinidad Museum
10%	<b>\$1,371</b>	Trinidad Library

Staff are looking for discussion and direction from the Council on a few issues related to this. Issues for discussion are:

- **Requests from additional organizations:** The Trinidad Coastal Land Trust has asked if they can also benefit from these funds. Other groups have made similar requests in the past.
- **Restrictions on 'gift of public funds':** To avoid these distributions falling afoul of the legal restrictions on gifts of public funds, it is important to document that the funds are being provided for a public purpose. The Council has reasonable discretion to establish the 'public purpose' so long as the funds are clearly going to benefit the broader public rather than to benefit private groups or individuals. Staff believe the City should improve our documentation of the public benefit of these funds. Many Cities address this by establishing a contract with recipients that lays out the public purposes that the funds will be used for, with an annual report to document what was done.
- **Budget Considerations:** The distribution of these funds is included in the current year's budget. A decision of whether to repeat this format in the coming year's budget will be made over the next few months.
- **Alternative Approaches:** Rather than using a pre-determined formula, the City could set aside a similar amount (or a different amount) and encourage qualified community groups to apply for funding for specific public purpose projects as an annual 'mini-grant' program. The review process and resulting grant agreement would ensure the funds are directed to projects with a public purpose. The City could provide direction on specific areas it seeks to support. For instance the Chamber could request funds specifically to support and promote the Clam Beach Run and the Museum Society could request funds for promoting or developing a specific exhibit or speaker series.

Public comment included:

**Patti Fleschner** – Trinidad

For the past 5 years, the City has been generous with the groups that benefit from the allocation payments. Shared some of the successes of the Museum and Land Trust and how the groups serve the

community. Portions of the occupancy tax has traditionally been shared with visitor serving organizations.

**Adora King** – Trinidad

TOT comes from vacation rentals. We don't have a program to handle the vacation rental ordinance. The Chamber of Commerce is made of business owners and the money is spent to promote them.

Council comments included:

**Miller:** The Coastal Land Trust should be a recipient. The current recipients should consider having the Land Trust share a portion of the distribution.

*Motion (Rotwein/Miller) to distribute the 2018 T.O.T. allocation to the following groups and amounts: 40% Chamber, 30% Museum, 20% Land Trust, and 10% Library. **Passed unanimously.***

3. Discussion regarding Draft STR Committee Charter

City Manager Berman explained that the Council discussed the concept of an STR Committee at recent meetings and directed staff to prepare a draft Committee Charter to outline the duties and membership of such a Committee.

The following draft STR Committee Charter is proposed:

**Powers and Duties:**

The primary role of the STR Committee is to advise and provide recommendations to the City Council, staff, and Planning Commission on matters relating to Short Term Rentals in the City of Trinidad.

These duties include:

- To provide a forum for community engagement, outreach, and education for issues regarding short-term rentals;
- To periodically review and make recommendations regarding current City Regulations and their implementation with respect to short-term rentals.

**Committee Composition and Meetings:**

Meetings will be held at least quarterly, publicly noticed in accordance with the Brown Act, and open to all.

The membership of the STR Committee shall be appointed by the City Council, and shall be composed of the following representatives:

- (1) Planning Commissioner (Chair)
- (2) STR business representatives (Owners or managers)
- (2) General Public representatives (City residents)

The City Manager, or designee, shall serve as primary staff liaison to the STR committee.

The Committee would be advisory to the City Council, staff, and Planning Commission, and would play an important role in reviewing existing policy and the implementation of that policy, generating suggestions for potential changes to the City STR Ordinance, and reviewing STR enforcement issues.

Public comment included:

**Shirley Laos** – Trinidad Rancheria

Supports having STR owners on the committee, and that it remain advisory only. Individual members should be vetted and they should follow the charter to avoid issues.

Council comments included:

**Baker:** The members must accept that the Ordinance is the law of the land. Concerned about conflicts of interest and leaving the City Manager on the hot seat.

**West:** The draft charter looks good. We should add that an annual meeting should be held following the busy summer to receive input from the community.

*Motion Rotwein/West to adopt a Short-Term Rental Advisory Committee, the committee charter, and requiring the annual meeting to be held in October to receive input. Volunteer recruitment should be advertised for 30 days, and applicants reviewed and appointed at a future Council meeting. **Passed unanimously.***

4. Discussion regarding Trail Committee Vacancy Appointment

Volunteer Jonna Kitchen resigned from the Committee recently due to a scheduling conflict. A vacancy notice was posted for two weeks with a deadline for letters of interest ending on April 11, at 2:00pm. As of this date, only one letter of interest was received. Ocean Avenue resident Scarlet Ibis offered to serve on the committee.

There was no public or Council comment.

*Motion (Ladwig/Baker) to appoint Scarlet Ibis to the Trails Committee. **Passed unanimously.***

**XI. FUTURE AGENDA ITEMS**

- Update on Auditor Recommendations
- Budget Workshop, April 30, 3:00-5:00pm.
- TMT Meeting update
- Lighthouse Resolution
- Verizon Real Estate Negotiations

**XIII. ADJOURNMENT: 8:50 pm**

**Submitted by:**

**Approved by:**

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**Gabriel Adams**  
Trinidad City Clerk

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**Susan Rotwein**  
Mayor